

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBIN NIXON,)	
Plaintiff,)	
)	
vs.)	
)	CIVIL ACTION NO. 05-101 ERIE
NORFOLK SOUTHERN CORPORATION)	
and NORFOLK SOUTHERN RAILWAY)	
COMPANY, INC.)	
Defendants.)	

**APPENDIX TO PLAINTIFF'S BRIEF IN OPPOSITION TO THE MOTION FOR
SUMMARY JUDGMENT ON BEHALF OF DEFENDANTS NORFOLK SOUTHERN
CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY, INC.**

Plaintiff, Robin Nixon, by his attorneys, Segel & Solymosi, files his Appendix to Plaintiff's Brief In Opposition to the Motion For Summary Judgment of Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. pursuant to Rule 56© of the Federal Rules of Civil Procedure and Local Rule 56.2.C.3 of the Local Civil Rules of the United States District Court For The Western District of Pennsylvania.

I hereby certify that the Appendix contains true and correct copies of the following pretrial discovery materials in this case.

I. Deposition Transcripts

Exhibit "1" Excerpt of Deposition of Robert E. Rockey (1/9/07).

Exhibit "2" Excerpt of Deposition of Robert B. Glenn (5/23/06).

Exhibit "3" Excerpt of Deposition of Timothy J. Price. (5/23/06).

Exhibit "4" Excerpt of Deposition of David C. Morgan (5/23/06).

Exhibit "5" Excerpt of Deposition of August W. Westphal (5/17/07).

Exhibit "6" Excerpt of Deposition of Robin Nixon (3/24/06).

II. Deposition Exhibits

Exhibit "7" Westphal Deposition Exhibit 6 (2/16/07).

Exhibit "8" Westphal Deposition Exhibit 7 (2/16/07).

Exhibit "9" Guarino Deposition Exhibit 3 (2/12/07).

III. Documents Produced During the Course of Discovery

Exhibit "10" Photographs of West 19th Street Tracks

Exhibit "11" Photographs of West 19th Street Tracks

Respectfully submitted,

SEGEL & SOLYMOSSI

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CERTIFICATE OF SERVICE

I, Tibor R. Solymosi, Esquire, hereby certify that the foregoing Appendix to Plaintiff's Brief in Opposition to the Motion For Summary Judgment On Behalf of Defendants' Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc., was filed electronically with the Clerk of Court using the Electronic Case Filing System on this 25th day of July, 2007. Notice of this filing will be sent to all parties by operation of the Court's ECF system and constitutes service of this filing under Rule 5(b)(2)(D) of the federal Rules of Procedure. Parties may access this filing through the Court's ECF system.

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